

# Marysville Police Department Response to Community:

## Use of Force



*We have compiled the following information and present it to our community members who have asked questions of us regarding our policies and training as it relates to use of force.*

*The foundation of our law enforcement action by our police officer personnel is rooted in the Law Enforcement Code of Ethics. This code is part of our department policy manual and is held in such high regard it is referenced in two areas of our policy. You can review this code within our Use of Force Policy that is provided below. Officers are required to read the Code of Ethics annually as a continual reminder of what we as a department stand for and hold ourselves to as a standard during the performance of our duties.*

*In addition to the Code of Ethics, Marysville Police Officers are guided by the tenets of our department core values; Accountability, Courage, Leadership, Integrity, Professionalism. These core values do not discriminate!*

*Our Use of Force Policy is predicated on Washington State laws written in the Revised Code of Washington (RCW), in addition to, United States Supreme Court rulings that can, and do, steer policy decisions and revisions.*

Beginning January of 2020 the City authorized and funded the position of Administrative Sergeant assigned to the Professional Standards Unit. The primary mission of this position, in collaboration with the Professional Standards Commander, the Chief of Police, and the City Attorney's Office as needed, has been the complete review of all department policy, and the edit and revision of policy as deemed appropriate and necessary. In addition this position has been tasked with preparing the department to begin the process for Washington State accreditation. Both the policy review and revision, and the accreditation process initiatives are meant to ensure the Marysville Police Department remains up-to-date in law enforcement best practices, is legally sound in its application, and is transparent to our community members in the manner in which we conduct our law enforcement business.

Chapter 1 of the policy manual outlines the role and authority of the Marysville Police Department. It is also the chapter in which our Use of Force policy is stated. When an officer must respond to resistance and aggression in order to perform a lawful action, it is necessary to have sound direction in which officers can reference. Training on the policies is crucial to ensuring a proper response from the officer is applied. It is important to understand it is impossible to write a use of force policy that would account for every conceivable scenario or identify every possible variable in what are most often very fluid, chaotic situations. It is with this in mind that force policy is not written solely based on the variables encountered during unique circumstances, although they must be considered, but more importantly based on the current actions of the person the officer is responding to.

Best practice policies that are based on solid principles, provide specific direction and allow officers to effect appropriate and timely escalation or de-escalation based on the actions of the individual they are engaged with.

Please review the information below and feel free to contact us should you have additional questions.

# **MARYSVILLE POLICE DEPARTMENT**

## **POLICIES AND PROCEDURES**

- 1.00 LAW ENFORCEMENT ROLE AND AUTHORITY**
- 1.01 DEPARTMENT AUTHORITY AND JURISDICTION**
- 1.02 MARYSVILLE POLICE COMMISSIONS**
- 1.03 OFFICER DISCRETION AND ARREST ALTERNATIVES**
  - 01.03 CHARGING DECISIONS BY A PROSECUTOR**
    - 01.03.04.01 CITY PROSECUTOR**
    - 01.03.04.02 COUNTY PROSECUTOR**
- 1.04 FORCE**
  - 01.04.01 USE OF FORCE**
  - 01.04.02 DEADLY FORCE**
  - 01.04.03 PROHIBITED PRACTICES**
  - 01.04.04 FORCE CONTINUUM**
    - 01.04.04.01 PURPOSE**
    - 01.04.04.02 POLICY**
    - 01.04.04.03 FORCE MODEL - SEE ATTACHED FORCE MODEL APPENDIX 1A**
- 1.05 FIREARMS AND AMMUNITION**
- 1.06 FIREARMS PROFICIENCY**
- 1.07 LESS LETHAL FORCE**
  - 1.07.01 INTRODUCTION AND INTENT**
  - 1.07.02 EXTENDED RANGE IMPACT WEAPONS**
    - 1.07.02.01 40mm LAUNCHER**
      - 1.07.02.01.01 EXACT IMPACT SPONGE ROUND**
    - 1.07.02.02 12 GAUGE SHOT GUN**
      - 1.07.02.02.01 12 GAUGE DRAG STABILIZED ROUND**
  - 1.07.02.03 TRAINING ON EXTENDED RANGE IMPACT WEAPONS**
  - 1.07.02.04 EXTENDED RANGE IMPACT STORAGE ROUNDS**
  - 1.07.02.05 WHEN EXTENDED RANGE IMPACT WEAPONS MAY BE USED**
  - 1.07.02.06 MEDICAL TREATMENT CONSIDERATIONS**
  - 1.07.02.07 ADMINISTRATIVE NOTIFICATION**
  - 01.07.03 M26 ADVANCED TASER & X26 TASER**
    - 01.07.03.01 INTRODUCTION AND INTENT**
    - 01.07.03.02 TASER**
    - 01.07.03.03 WHEN TASER MAY BE USED**
    - 01.07.03.04 TRAINING ON THE TASER**
    - 01.07.03.05 DISTINCTIVE MARKINGS ON THE TASER**
    - 01.07.03.06 PRECAUTIONS**

- 01.07.03.07 MEDICAL TREATMENT CONSIDERATIONS
- 01.07.03.08 REPORTING PROCEDURES
- 01.07.03.09 ADMINISTRATION NOTIFICATION
- 01.07.03.10 REVIEW PROCESS

## **1.08 NON-LETHAL WEAPONS**

## **1.09 FIREARMS DISCHARGE AND APPLICATION OF FORCE**

- 1.09.01 ACCIDENTAL DISCHARGE
- 1.09.02 INTENTIONAL DISCHARGE
- 1.09.03 NOTIFICATION OF DISCHARGE
- 1.09.04 REPORTING A DISCHARGE OF A FIREARM
- 1.09.05 SUPERVISOR'S RESPONSIBILITY

## **1.10 POST SHOOTING**

# **MARYSVILLE POLICE DEPARTMENT POLICIES AND PROCEDURES**

## **1.00 LAW ENFORCEMENT ROLE AND AUTHORITY**

## **1.01 DEPARTMENT AUTHORITY AND JURISDICTION**

### **1.01.01**

The Marysville Police Department is established by the act of the Marysville City Council through the authority of Article XI Section 11 of the Constitution of the State of Washington, RCW 35A.11, 35.23.440(23) and Marysville Municipal Code Chapter 2.48.010. The authority of officers is derived from the Marysville Municipal Code and is conferred by the commission issued by the Chief of Police, and is enhanced by the Mutual Aid Peace Officers Powers Act of 1985, RCW Chapter 10.93 as now written and hereafter amended.

### **1.01.02**

The purpose of the police department is to protect the right of all persons within Marysville to be free from crime, to be secure in their possessions, and to live in peace.

### **1.01.03**

All personnel, prior to assuming a commissioned status, shall take an oath of office to enforce the law, uphold the constitution of the United States, the constitution of the State of Washington, and the laws of the City of Marysville, and to abide by the following Law Enforcement Code Of Ethics:

- A. *"As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality and justice."*

*I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously, fairly, and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.*

*I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.*

*I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession; "Law Enforcement."*

#### **1.01.04**

Consistent with applicable laws, rules, and regulations, on-duty officers have a positive duty to use their authority and take appropriate action to keep the public peace, restore order, and bring offenders to justice.

#### **1.01.05**

Off-duty full time officers may exercise their authority anywhere within the State of Washington consistent with the Mutual Aid Peace Officers Powers Act of 1985.

#### **1.01.06**

Off-duty officers shall not use their authority for any off-duty employment without the written permission of the Chief of Police.

#### **1.01.07**

An officer shall submit a written report to the Chief of Police whenever he/she uses his/her authority under the Mutual Aid Peace Officers Powers Act of 1985 outside the City of Marysville that results in substantial action.

## **1.02 MARYSVILLE POLICE COMMISSIONS**

### **1.02.01**

All persons hired as law enforcement officers for the Marysville Police Department shall be commissioned as police officers prior to being assigned law enforcement duties. Police Commissions are issued by the Chief of Police and may be issued to any employee of the City of Marysville who, because of training and experience, has proven competence in the field of law enforcement and whose duties are police related.

### **1.02.02**

Before receiving a commission, employees must:

- A. Have successfully completed the Basic Law Enforcement Training Academy given by the Washington State Criminal Justice Training Commission, be eligible for an equivalency certificate from the Training Commission because of qualifying law enforcement training, or completed an approved Reserve Officer Academy;
- B. Take an oath of office to enforce the law, uphold the constitution of the United States and the State of Washington before the Mayor or City Administrator; and
- C. Agree to abide by the Law Enforcement Officers Code of Ethics.

### **1.02.03**

Limited police commissions may be issued by the Chief of Police to persons within the Police Department who have a need to have limited enforcement capabilities such as parking enforcement, animal law enforcement, custody officer, and arson investigation. These limited commissions will specifically state the authority of the holder to enforce identified ordinances.

### **1.02.04**

Police commissions from other law enforcement agencies may be issued to Marysville Police Officers on occasion when necessary or desirable. No officers may accept a commission from another agency without notice and permission from the Chief of Police.

### **1.02.05**

Any abuse or unjustified use of any police commission or Mutual Aid Police Officers Powers Act will result in the permission to carry the commission being withdrawn and/or subject the offending officer to departmental discipline procedures.

## **1.03 OFFICER DISCRETION AND ARREST ALTERNATIVES**

### **1.03.01**

Police officers have the authority and the duty to take the appropriate law enforcement action that is consistent with the law, best serves the community and complies with their

oath of office, code of ethics and the mission of the Marysville Police Department. In addition, officers will use these factors in determining the best course of action:

- A. What is right, reasonable, necessary, and lawful;
- B. What is in the best interests of all involved parties; and
- C. What is fair, firm, and impartial

### **1.03.02**

When officers have probable cause to make an arrest, and are not mandated, either by law or policy to make a custodial arrest they should have at least one of the following criteria present:

- A. The safety of the community is at risk.
- B. The offender has a history of flight or failure to appear at court proceedings.
- C. Threats have been made against victims or witnesses.
- D. The egregious nature of the crime.
- E. There is a risk the offender will destroy vital physical evidence.
- F. The offender resisted arrest; assaulted, or threatened the safety of an officer.

### **1.03.03**

Notwithstanding any of the above, officers should cite misdemeanor offenders either by mail or personal service.

## **1.03.04 CHARGING DECISIONS BY A PROSECUTOR**

### **1.03.04.01 CITY PROSECUTOR**

When circumstances exist where an officer wishes to consult an attorney on a point of law or other legal matter surrounding the circumstances of his investigation on a traffic, misdemeanor, or gross misdemeanor case, he may consult with the City Prosecutor either through written correspondence or via telephone prior to taking formal enforcement action.

### **1.03.04.02 COUNTY PROSECUTOR**

When circumstances exist where an officer wishes to consult an attorney on a point of law or other legal matter surrounding the circumstances of his felony investigation, he may consult with the Snohomish County Prosecutor's Office either through written correspondence or via telephone prior to taking formal enforcement action.

When the suspect of the investigation is not in custody, officers will complete all casework before referring the case to the Snohomish County Prosecutor's Office for charging. When the offender is in custody, officers must provide a complete case report to the Snohomish County Prosecutor's Office as soon as possible, but not later than 3:00 p.m. the following day in order to obtain an initial filing decision.

## **1.04 FORCE**

Police officers are frequently confronted with situations where control must be exercised and they have a positive duty to restore peace and order, effect an arrest, and protect

public safety. Sometimes the situations have deteriorated beyond the level at which verbal communication is effective. In these cases, officers need to employ the necessary force to overcome resistance and protect their own safety or the safety of others. Officers are not expected to sustain injury before resorting to the appropriate use of force. In deciding to apply force and determining the level of force to be used, good judgment, training, and accountability are essential.

The decision to employ any force must be based upon the information known to the officer or upon reasonable assumptions made by the officer at the moment that force is applied. Facts unknown to the officer, no matter how compelling cannot be considered later in determining the justification for the use of force. The use of force by Marysville Police officers will be according to the following department policies and procedures as well as according to the provisions of RCW Chapters 9A.16 and 10.31 as now written or hereafter amended.

#### **1.04.01      USE OF FORCE**

Officers will use only that amount of force that is reasonable and necessary to effect the lawful purpose intended (i.e. affect an arrest, carry out a lawful duty, defend themselves from physical harm or death, or to assume or maintain lawful control over a person or situation). All department personnel will follow and obey all laws of the State of Washington regarding the use of lethal and less lethal force, both on and off duty. All officers, whether on or off duty, will adhere to department rules and regulations concerning the use of force. This means the unnecessary use of force or the use of force in an excessive or unreasonable manner or the use of force as punishment is an unjustified use of force and violates this policy.

#### **1.04.02      DEADLY FORCE**

##### **1.04.02.01**

An officer may use deadly force to effect the seizure, custody, or apprehension of a person when he/ she has probable cause to believe that the person has the present intent, ability, and opportunity to unlawfully cause death or serious injury to another person, and the person is a threat to cause serious injury or death unless prevented by the use of deadly force. In such cases, use of deadly force may be permitted, provided it is justified.

##### **1.04.02.02**

For the purposes of this policy, “necessary” and “deadly force” shall be understood as they are defined in the Revised Code of Washington as follows: Per RCW 9A.16.010(1), “necessary” means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. Per RCW 9A.16.010(2), “deadly force” means the intentional application of force through the use of firearms or any other means reasonably likely to

cause death or serious physical injury. These definitions are hereby adopted by reference into this policy.

#### **1.04.02.03**

The following are examples of situations where an officer may justify the use of deadly force. These are intended only to illustrate the intent of the policy and are not intended to be an all-inclusive list:

- A. In self-defense of himself/ herself from death or serious injury;
- B. In the defense of another person, unlawfully attacked or threatened, from death or serious injury;
- C. To prevent the escape of a fleeing felony suspect when the officer has probable cause to believe the suspect poses a threat of death or serious physical injury to the officer or other persons;
- D. In obedience to the judgment of a competent court or in the discharge of a legal duty;
- E. When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer when the resistance offered causes serious danger of injury or death to the officer, another person, or the community;
- F. When necessary in retaking into custody an escaped prisoner who has been arrested for, or convicted of, a dangerous felony or equivalent juvenile offense under the laws of this state or federal jurisdiction that are specified below in this section or which involve:
  - 1. The use or attempted use of force causing death or serious physical injury to another; or
  - 2. The use or attempted use of force creating threat of death or serious physical injury to another; or
  - 3. A threat, express or implied, which places a person in fear of death or serious physical injury to himself/herself or another.
- G. When necessary to arrest a person who has committed a dangerous felony.  
“Dangerous felony” means: any murder, manslaughter in the first or second degree, kidnapping or attempted kidnapping, any rape or attempted rape in the first or second degree, any robbery, aggravated assault, attempted or actual bombing, or arson in the first or second degree which creates or causes a potential threat to life, and any burglary in which the actor or other participant in the burglary is armed with a deadly weapon or assaults any person therein; or when necessary in arresting a person whom the officer has probable cause to believe has committed such a dangerous felony and is fleeing from justice; or when attempting, by lawful ways and means, to apprehend a person for a dangerous felony actually committed.
- H. To lawfully suppress a riot if the actor or other participant is armed with a deadly weapon;
- I. To prevent the escape of a person from any federal or state correctional facility or in retaking an escapee from any federal or state correctional facility where persons convicted of dangerous felonies are customarily housed; or

- J. To kill a dangerous animal, or kill an animal seriously injured when it is not practical to secure the services of animal control or state wildlife agents.
  - 1. The designated .22LR firearm may be used for dispatching sick or injured animals at the discretion of the Officer with the approval of the Shift Supervisor (see 1.05.18). *(Revised 03/25/13)*

### **1.04.03 PROHIBITED PRACTICES**

#### **1.04.03.01**

Acts that are considered prohibited use of weapons are:

- A. A weapon shall not be drawn in a public place except for inspection, instruction, repair, safekeeping before entering a jail or similar facility, or in the line of duty.
- B. Whenever a weapon is drawn, it will never be held or carried in the cocked position. Trigger finger shall be indexed.
- C. Warning shots are prohibited.
- D. Shooting from a moving vehicle is prohibited unless justified by exigent circumstances.
- E. An officer may not use deadly force to affect the arrest of or to prevent the escape of a person who has committed a misdemeanor. This restriction shall not infringe upon an officers right of self-defense should he/she be attacked.

#### **1.04.03.02**

All sworn personnel must receive and demonstrate understanding of these directives before being authorized to carry any firearm. Officers are expected to justify their use of any force in any criminal, civil, or administrative proceedings. Officers who cannot or will not comply with this policy will subject themselves to disciplinary action up to and including termination as well as the possibility of criminal and/ or civil liability.

### **1.04.04 FORCE CONTINUUM**

#### **1.04.04.01 PURPOSE**

The purpose shall establish the professional philosophy and procedures of the Marysville Police Department relative to the proper use of force in the department.

#### **1.04.04.02 POLICY**

Officers of the Marysville Police Department may use force when necessary, and shall use only that force which is reasonable. All force applications shall be in conformity with the statutes and Constitutions of the United States and the State of Washington.

Force usage shall be consistent with the Marysville Police Department's Integrated Force Management program founded upon the Department's use of force model. Members of the Department must generally employ the tools, tactics, and timing of force application consistent with the model's directions and departmental training modules. This policy, while requiring the officers to maintain controlled superiority over a subject,

supports the practice of progressive application of force as part of a continuous risk assessment process. Risk is assessed objectively based on the on-scene reasonable officer's perspective taking into account the facts and circumstances of the particular situation that are known to the officer. When situations are reasonably stabilized, application of force must proportionally de-escalate or cease, in accordance with the subject actions, when control is gained, or the threat is removed.

Due to the fact that officer/citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the parameters of department training. All such applications of force shall meet the same standard of reasonableness as those that have been previously identified and approved.

#### **1.04.04.03 FORCE MODEL - SEE ATTACHED FORCE MODEL APPENDIX 1A**

### **1.05 FIREARMS AND AMMUNITION** *(Revised 08/01/04 Memo 04-006)*

#### **1.05.01**

All weapons including handguns, rifles, and shotguns shall be used only when necessary in the performance of duty or in department approved training. Discharge or use of any weapon other than in training requires a written report of the circumstances describing the cause for use.

#### **1.05.02**

All officers who are on-duty and performing patrol or investigative duties shall be armed with a department approved and issued handgun.

#### **1.05.03**

All on-duty patrol officers operating a marked patrol car will have an issued rifle in their vehicles.

#### **1.05.04**

All department issued firearms will be loaded only with department issued and/or approved ammunition. Ammunition shall not be altered in any way.

#### **1.05.05**

Uniformed officers will carry a minimum of three full magazines of issued ammunition on their duty belt and in their handgun.

#### **1.05.06**

Detectives and other plainclothes officers (i.e. administration) shall carry a minimum of one full magazine of issued ammunition in their handgun. Officers assigned to undercover or specialized details may be exempt from this requirement with approval from their supervisor.

**1.05.07** *(Revised 06/30/10)*

The only ammunition authorized for department handguns is that which is authorized by the Chief of Police or his/ her designee. The only handguns authorized and issued by this department are:

- A. Sig Sauer P226 40 caliber semiautomatic pistol
- B. Sig Sauer P229 40 caliber semiautomatic pistol

**1.05.08**

Rifles authorized and issued by this department are the Colt AR-15, Colt M-16, and the M-14.

**1.05.09**

The only shotgun issued and authorized by this department is the Remington 870.

**1.05.10**

A secondary or back-up firearm is authorized, but only upon meeting specific department approval. Officers who carry a back-up weapon in addition to their department issued handgun are required to qualify initially, and annually thereafter, with that firearm prior to receiving permission to carry it and annually thereafter.

**1.05.11**

A department approved handgun for off-duty or back-up use and intended for official use by any employee must meet the following requirements:

- A. The firearm must be inspected, fired, and certified as safe by the range officer.
- B. The employee must demonstrate safe and proficient use of the weapon to the range officer.
- C. The employee must meet training requirements with each approved weapon.

**1.05.12**

The carrying of an off-duty weapon and police identification is encouraged but not mandated. An employee who elects to carry police identification must also carry or have access to his/her department issued handgun or off-duty weapon. An employee who elects to not carry a weapon and police identification while off-duty shall not be subjected to disciplinary action if an occasion should arise in which the employee could have taken law enforcement action if armed.

**1.05.13**

Any employee that chooses to carry a weapon for off-duty or back-up use is expected to furnish his/her own department approved ammunition for the qualification course and use of the weapon. The department will furnish ammunition only for department authorized on-duty weapons.

#### **1.05.14**

The Firearms Sergeant will register all weapons used by employees in their official capacity. The make, model, caliber, serial number, and method of carry shall be provided to the Firearms Sergeant upon application of registration. A letter granting approval for each off-duty or back-up weapon must be signed by the Chief of Police.

#### **1.05.15**

The back-up on-duty firearm shall only be used when the officer is unable to use his/her primary on-duty firearm.

#### **1.05.16**

Modifications of a department owned firearm shall be limited to stock replacement parts or the changing of grips and/or night sights, but shall in no case be done without the express written permission of the Chief of Police.

#### **1.05.17**

Modification of personally owned firearms used on or off-duty shall not defeat any of the manufacturer's safety features. Modifications shall not affect the safety or reliability of the firearm's operation.

#### **1.05.18** *(Revised 03/25/13)*

A .22LR firearm will be designated by the Firearms Instructors for the purpose of dispatching sick or injured animals. This firearm will be stored in a locked device in the armory room when not in use. Use of this firearm must be approved by the Shift Supervisor. Officers must satisfactorily complete the training on the use of this firearm, as designated by the Firearms Instructors, prior to using the firearm.

### **1.06 FIREARMS PROFICIENCY**

#### **1.06.01**

Each officer will qualify with his/her service handgun prior to being authorized to carry it on-duty and a minimum of once per year. Officers will successfully qualify with the department issued rifle a minimum of once per year.

#### **1.06.02**

The required qualification course or format will be left to the discretion of the Firearms Sergeant, with the approval of the Chief of Police. Officers must qualify on each department issued weapon with a score of 80% or better before they are authorized to carry that weapon.

#### **1.06.03**

A Firearms Qualification Schedule will be posted announcing the days and hours that the range will be open for qualification. Officers may shoot on-duty if the workload

permits, and with the permission of their supervisor. All off-duty officers will attend range training and be compensated according to the current collective bargaining agreement. Firearms training will be considered mandatory, and may only be excused with the approval of the appropriate Division Commander, Chief of Police, or his/her designee.

#### **1.06.04**

Officers who fail to meet the qualification requirements or are excused from training will be granted a thirty-day grace period. Within that thirty-day period, the employee must arrange with the Firearms Sergeant or his/her designee for remedial training.

#### **1.06.05**

The Firearms Sergeant or his/her designee shall perform an annual inspection of all department issued and utilized personally owned firearms.

#### **1.06.06**

All necessary repairs to department owned firearms will be completed by a department authorized armorer.

#### **1.06.07**

All necessary repairs to personally owned firearms may be performed by the department authorized armorer at the request of the firearm's owner, or may be done by a professional gunsmith at the employee's expense. Replacement parts for personally owned firearms will be the responsibility of the individual officer.

#### **1.06.08**

Each employee is responsible for the care and cleaning of his/her weapons and will, at all times, maintain the weapon in a clean and serviceable manner, whether department or personally owned.

#### **1.06.09**

Employees shall immediately report the loss or theft of any department or personally owned firearm to the Chief of Police via the chain of command. The report will be in writing and detail the facts concerning the incident.

#### **1.06.10**

Employees shall keep issued weapons on their persons, in a gun locker, in a locked changing room locker, locked desk, utilize an approved gun lock device, or keep in a secure place when off duty at home.

#### **1.06.11 (Revised 06/30/2010)**

Rifles are to be stowed in patrol vehicles in a department installed locked gun rack or within reach of the driver. At the start of each shift the officer will perform the following

inspection on his/ her rifle: Chamber empty, bolt forward, hammer cocked, safety lever on "safe," loaded magazine in magazine well.

#### **1.06.12**

Rifles will be kept locked in the vehicle racks during normal patrol. When a rifle is removed from the vehicle and not needed, precautions will be taken to secure the rifle such as using the gunlock or locking the rifle in the car.

#### **1.06.13**

Rifles will be carried with the safety on. The safety will be released only when the weapon is about to be fired.

### **1.07 LESS LETHAL FORCE** *(Revised 01/03/03 Memo 03-002)*

#### **1.07.01 INTRODUCTION AND INTENT**

The Marysville Police Department recognizes and respects the value of human life. However, officers in the performance of their duties face situations where the use of force is reasonable and necessary to affect an arrest, overcome resistance, and control a suspect or to protect themselves or others. Reasonable force may be used in these situations and level of force must be based on the behavior of the suspect. The Police Department is looking for force options that have lower probability of producing fatal results that meet current professional practices.

#### **1.07.02 EXTENDED RANGE IMPACT WEAPONS**

Extended Range Impact Weapons are defined in this policy as, ammunitions designed and developed to be launched at human targets, with a lower probability of producing fatal results. These munitions can cause similar injuries as traditional impact weapons i.e. ASP Baton's, PR 24, (This policy does not include "Ferret" rounds, which are used to deploy gas. See SWAT policy for deployment of Ferret rounds). The following weapons are considered Extended Range Impact Weapons:

- \*40 MM Launcher** deploying Extended Range Impact Weapons (to include Exact Impact Rounds and Direct Impact Rounds)

- \*12 Gauge Shot Gun** Extended Range Impact Weapons (to include Drag Stabilized Round)

##### **1.07.02.01 40mm LAUNCHER**

The 40mm launcher is deployed as an additional tool and is not intended to replace firearms or self-defense techniques. It may be used to control a physically resistive, aggressive or violent subject(s) that pose a threat to Officers or to other persons or property.

#### **1.07.02.01.01 EXACT IMPACT SPONGE ROUND** *(Revised 10/19/11)*

The 40mm exact impact sponge round may be utilized at a distance of 10-120 feet or more. The Exact Impact Sponge Round is intended for direct fire deployment.

#### **1.07. 02.02 12 GAUGE SHOT GUN**

The 12 gauge Shot Gun is deployed as an additional tool and is not intended to replace firearms or self-defense techniques. It may be used to control a physically resistive, aggressive or violent subject(s) that pose a threat to Officers or to other persons or property.

#### **1.07.02.02.01 12 GAUGE DRAG STABILIZED ROUND**

The 12 gauge drag stabilized round may be utilized at a distance of 10-50 feet or more. The 12 Gauge Drag Stabilized Round is intended for direct fire deployment.

#### **1.07.02.03 TRAINING ON EXTENDED RANGE IMPACT WEAPONS** *(Revised 10/19/11)*

Only employees who have successfully completed a departmentally approved training course in the proper use and deployment of Extended Range Impact Weapons shall be authorized to deploy them during actual operations. In order to remain authorized to use these extended range impact weapons, personnel shall complete a refresher course every year after the initial training.

#### **1.07.02.04 EXTENDED RANGE IMPACT ROUNDS STORAGE**

Rounds that are used for Extended Range Impact Rounds will be distinctively marked and stored separately from other "Lethal Rounds". The policies that pertain to the maintenance of other firearms also apply to these weapons.

#### **1.07.02.05 WHEN THE EXTENDED RANGE IMPACT WEAPONS MAY BE USED**

The 40mm launcher is considered a device that can be utilized on subjects that an officer believes to be at a level of active resistant or higher according to the Department's use of force continuum. The 40mm launcher may be deployed to control violent or potentially violent suspect(s) when an officer reasonably believes that the following conditions exist:

- A. Deadly force does not appear to be justifiable and/or necessary.
- B. Attempts to subdue the suspect by conventional tactics have been or will likely be ineffective for the situation at hand.
- C. There is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

#### **01.07.02.06 MEDICAL TREATMENT CONSIDERATIONS**

Whenever the Extended Range Impact Weapons is applied to an individual, the Fire Department Aid or Medic Unit shall be called to the scene. Treatment at a medical facility will only be necessary on the advice of aid personnel.

#### **1.07.02.07 ADMINISTRATIVE NOTIFICATION** *(Revised 10/19/11)*

Anytime Extended Range Impact Weapons are discharged during an operation, appropriate documentation will be made. The report will include at a minimum:

- A. Incident report
- B. Use of Force form
- C. The following evidence shall be collected (if possible) at the scene and booked into evidence:
  - 1. Spent round
  - 2. Photographs of the area on the suspect(s) body to document the existence or the lack of a visible injury.

#### **1.07.03 M26 ADVANCED TASER / X26 TASER** *(Revised 07/29/13 G.O. 13-003)*

##### **1.07.03.01 INTRODUCTION AND INTENT**

Consistent with the Marysville Police Department's philosophy where the use of force is reasonable and necessary to effect an arrest, overcome resistance, control a suspect or to protect themselves or others, the Department has researched and approved the use of the M26 ADVANCED TASER / X26 TASER (Electronic control device). By deploying the TASER, the officer has used the lowest level of force necessary to overcome the suspect(s) resistance.

##### **1.07.03.02 TASER**

The M26 and X26 TASER are electronic control, less lethal tools used to temporarily incapacitate subjects allowing Officers to control a subject and lessen the likelihood of injury to both suspect and Officers.

##### **1.07.03.03 WHEN THE TASER MAY BE USED**

The TASER is considered a device that can be utilized on subjects that an officer believes to be at a level of active resistant or higher according to the Department's use of force continuum.

The TASER may be deployed to control violent or potentially violent suspect(s) when an officer reasonably believes that the following conditions exist:

- A. Deadly force does not appear to be justifiable and/or necessary.
- B. Attempts to subdue the suspect by conventional tactics have been or will likely be ineffective for the situation at hand.
- C. There is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

##### **1.07.03.04 TRAINING ON THE TASER**

The TASER shall only be used by personnel who have successfully completed the departmental TASER training program and are certified to use it. Personnel should periodically complete a refresher course after the initial certification training.

#### **1.07.03.05 DISTINCTIVE MARKINGS ON THE TASER**

The TASER shall be clearly marked with visible yellow markings on the sides. The 25' cartridges marked by green blast doors are authorized.

#### **1.07.03.06 PRECAUTIONS**

- A. The TASER shall not knowingly be used on a person who has any flammable liquid on him/her or is in the dangerous vicinity of explosive compounds or gasses. This would include flammable-based O.C. products.
- B. The TASER should not be used against a person who is under controlled restraint.
- C. Generally, an officer should not deploy the TASER without at least one cover officer or a tactical plan.
- D. The TASER should not be used when a suspect is in danger of falling from a significant height.
- E. Always have lethal cover or another reasonable and appropriate force option available.
- F. When feasible, a warning should be given to the suspect that the TASER will be deployed if compliance is not gained.

#### **1.07.03.07 MEDICAL TREATMENT CONSIDERATIONS**

Officers that use the TASER shall ensure that medical treatment is obtained for the person(s) upon whom it is used. Whenever the TASER probes penetrate the skin, the suspect shall be examined by on scene paramedics or Emergency Medical Technicians (EMT). On scene paramedics / EMT's may remove the probes. If paramedics / EMT's are not readily available, officers will transport to the nearest medical facility for treatment.

If the probes have penetrated the skin in a sensitive area, such as the face, throat, breasts and genitals, the suspect shall be transported to the hospital for removal of probes by qualified medical personnel. Any person, who loses consciousness, shall be given aid by on scene personnel and immediately transported to the nearest medical facility for examination by medical personnel.

#### **1.07.03.08 REPORTING PROCEDURES**

- A. The area on the suspect(s) body shall be photographed to document the existence or the lack of a visible injury.
- B. Anytime the TASER is deployed, appropriate documentation will be made. The report will include the minimum:
  - 1. Incident Report
  - 2. "Use of Force" form

C. The following evidence shall be collected (if possible) at the scene:

1. Taser cartridge
2. AFID ID tags
3. Photographs
  - a. Injury
  - b. Probes

#### **1.07.03.09 ADMINISTRATION NOTIFICATION**

Anytime a suspect loses consciousness due to the TASER application, the Chief of Police or his/her designee will be notified by the on scene supervisor at a reasonable time after the scene is secured. The Chief of Police or his/her designee will determine if the appropriate investigative personnel will be called out.

#### **1.07.03.10 REVIEW PROCESS**

The Chief of Police or his/her designee shall review the use of the TASER as soon as practical following the incident or operation to ensure the TASER was used according to policy. Information obtained will be utilized for statistical and training purposes.

### **1.08 NON-LETHAL WEAPONS**

#### **1.08.01**

Commissioned Marysville Police Officers may carry department authorized and issued non-lethal weapons while on duty once they have been instructed in, and/or certified in the use of those specific weapons.

Commissioned Marysville Police Officers who choose to carry department authorized and issued non-lethal weapons off-duty may only use them in the capacity of a Marysville Police Officer for the preservation of life, under the auspices of the Police Powers Act, or with prior written permission of the Chief of Police.

### **1.09 FIREARMS DISCHARGE AND APPLICATION OF FORCE**

#### **1.09.01 ACCIDENTAL DISCHARGE**

Whenever an officer, either on-duty or off-duty, accidentally discharges a firearm authorized for department use, he/ she shall submit an incident report fully explaining the circumstances. If injury or damage has occurred, or is alleged to have occurred, the incident shall be fully investigated and reported.

#### **1.09.02 INTENTIONAL DISCHARGE**

Whenever an officer, on-duty or off-duty, intentionally discharges a firearm, except in the context of a firing range, demonstration, training, or recreational situation, when a

crime, injury, or damage of any kind is involved, immediate action shall be taken to accomplish the following:

- A. Care for the injured.
- B. Request assistance including a supervisor and medical aid if necessary.
- C. Apprehend any suspects.
- D. Protect the scene.
- E. Locate and identify witnesses.

#### **1.09.03 NOTIFICATION OF DISCHARGE**

Dispatch shall be notified immediately. Dispatch will then notify the on-duty sergeant, the Patrol Operations Commander, and the Chief of Police.

#### **1.09.04 REPORTING A DISCHARGE OF A FIREARM**

The employee will provide the on-scene supervisor with a verbal report. He/She will also be asked to prepare either a written or taped report of the incident. This may be prepared with the assistance of the department's and the officer's legal counsel, if they are available. In any case the initial report shall be completed within 72 hours of the incident. Additional time may be granted by the Chief of Police or his/her designee.

NOTE: In the beginning of the report, the officer involved should always state for the record the following statement:

"This report is prepared by me pursuant to departmental requirements and through its submission, I do not intend to waive any of my constitutional rights with regard to any possible criminal or civil liability.

#### **1.09.05 SUPERVISOR'S RESPONSIBILITY**

The Shift Supervisor shall immediately respond to the scene of an intentional discharge of a firearm and do the following:

- A. Ensure that the responsibilities outlined in the prior section are carried out.
- B. Obtain from the involved officers a brief description of the incident and what action has been taken.
- C. Request department detectives be called out if appropriate.
- D. Request a Snohomish County SMART Team response if appropriate.
- E. Ensure that the discharged weapon is secured consistent with Marysville Police Department evidence collecting practices as outlined in Chapter 35. The affected officer may be provided with another similar weapon if appropriate. In the event that other pieces of uniform equipment were taken pursuant to the investigation, the officer will be provided with replacement pieces as soon as is practical.
- F. Direct the involved officer to the Public Safety Building, and to refrain from discussing the incident with anyone until the arrival of investigators.
- G. Assign an officer to accompany any injured person to the hospital. The responsibilities of this officer are:

1. Secure and preserve any and all evidence and all personal property belonging to the subject.
  2. Prevent escape of the subject.
  3. Keep Department Command Staff apprised of the injured subject's condition.
  4. In the event that the subject dies, make sure that the personal effects are secured and released only to investigators or the Snohomish County Medical Examiner's Office.
- H. Assign an officer to prepare the Incident Report. The report shall be submitted prior to going off duty.
  - I. Ensure that the Chief of Police is kept informed of the situation and any new developments.
  - J. Ensure that the MPOA President or his/her designee is kept informed of the situation and any new developments.
  - K. Brief arriving investigators and then relinquish investigative command of the scene to them.
  - L. Provide personnel support to the investigators as needed.
  - M. Contact the Department approved Peer Support Team via Marysville Dispatch, as well as the department's chaplain and request their services.

## **1.10 POST SHOOTING** *(Revised 06/14/02 Memo 02-013)*

### **1.10.01**

The employee whose actions or use of force resulted in a death or serious physical injury will be removed from his/her current assignment and placed on paid administrative leave pending an administrative review. The assignment to administrative leave is not to be construed as punishment or that the employee has acted improperly.

### **1.10.02**

In all cases where any person has been injured or killed as a result of an action involving an employee, the involved employee will be required to undergo a post-event trauma interview by the department psychologist within an appropriate time of the incident. The debriefing shall not be related to any departmental investigation of the incident. Nothing discussed in the interview will be reported to the department. This interview is to help determine whether the employee is fit for continued duties.

### **1.10.03**

All employees who are involved in an incident where another person was seriously injured or killed as the result of the actions of an employee, will be offered the services of the Department approved Peer Support Team, the department chaplain, and the employee assistance program.

### **1.10.04**

An employee's family will receive the opportunity to receive services from the department chaplain whenever necessary. The department chaplain's services are not related to the department's investigation of the incident. Nothing discussed will be divulged to the department.

#### **1.10.05**

The involved employee shall not discuss the incident with anyone except the department's legal advisor, the employee's psychologist, the employee's own legal counsel, the chosen clergy, the employee's spouse, and those assigned to investigate and debrief the employee as related to the incident.

### **APPENDIX 1A FORCE MODEL**

The Department's use of force model is designed to proportionally align officer actions with subject actions. This model also allows for escalation, stabilization, and de-escalation as the subject's actions change. Although this model is in an escalating progression, all tools and techniques need not be used and/or exhausted prior to moving to a higher or lower level. Circumstances will dictate response.

### **ENFORCEMENT ELECTIVES**

Enforcement Electives are those tools, tactics, and techniques made available at each level of force application.

### **PROCEDURES**

The following procedures provide guidance in the application of force and are approved by the Department.

During the course of interaction with the public, an officer may encounter all types of responses from compliant interaction, to life threatening. Enforcement electives relating to subject actions make available tactics, techniques, and tools based on reasonable officer response.

Based on training and the reasonable risk assessment of the circumstances, officers may respond to subject actions in order to gain compliance and control situations. Timing is an important element of the risk assessment process and is demonstrated by the officer's response to the actions of the subject, measured in terms of immediacy and necessity. The following matrix correlates suspect actions and officer response with enforcement electives:

## **A. Reasonable Officer Assessment of Subject Actions:**

**COMPLIANT** – Cooperative response to lawful commands.

### **1. Reasonable Officer Response:**

**COOPERATIVE CONTROLS** – Fundamentals of professional training designed to be employed with compliant individuals which capitalize on the acceptance of authority to gain cooperation and control.

### **2. Enforcement Electives**

- a. MENTAL PREPARATION
- b. SPATIAL POSITIONING
- c. COMMUNICATION SKILLS
- d. HANDCUFFING TECHNIQUES
- e. SEARCH TECHNIQUES
- f. OPPOSITE SEX SEARCHES
- g. FRISK TECHNIQUES
- h. VEHICLE POSITIONING
- i. CANINE PRESENCE
- j. ESCORT CONTROLS
- k. TRANSPORT CONTROLS
- l. DRAW AND DIRECT (A forcible display of a tool by a police officer to gain compliance or de-escalate and stabilize a subject.)
- m. ARREST TACTICS

### **3. Duties and Responsibilities**

Any officer who applies cooperative controls shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

- a. Officer Responsibilities
  - Refer to actions in Case Report Narrative, if applicable.
- b. Supervisor Responsibilities
  - Respond to the scene if a complaint of excessive force or pain is alleged; or if requested to do so by the on-scene officer.

## **B. Reasonable Officer Assessment of Subject Actions:**

**PASSIVE RESISTANT** – Non-Compliance to lawful authority without physical or mechanical resistance.

## **1. Reasonable Officer Response:**

**CONTACT CONTROLS** – Tactical skills designed to be deployed upon passively resistant subject to proportionally gain control and cooperation.

## **2. Enforcement Electives**

- a. ALL COOPERATIVE CONTROLS
- b. ADVANCED COMMUNICATION SKILLS
- c. PAIN COMPLIANCE TECHNIQUES – pressure points / counter joints
- d. ARREST TACTICS

## **3. Duties and Responsibilities**

Any officer who applies contact controls shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

- a. Officer Responsibilities
  - Initiate Post Application procedures, if necessary.
  - Notify immediate supervisor.
  - Refer to actions in Case Report Narrative.
- b. Supervisor Responsibilities
  - Respond to the scene if a complaint of excessive force or pain is alleged; or if requested to do so by the on-scene officer.
  - If injuries result from the application of contact controls, respond to the hospital if necessary.

## **C. Reasonable Officer Assessment of Subject Actions:**

**ACTIVE RESISTANT** – Use of physical effort or mechanical resistance in achieving and/or maintaining non-compliance.

## **1. Reasonable Officer Response:**

**COMPLIANCE TECHNIQUES** – Tactical procedures and tools designed to be deployed upon actively resistant subjects who employ physical force or mechanical resistance to enhance resistance or non-compliance.

## **2. Enforcement Electives**

- a. ALL COOPERATIVE CONTROLS
- b. ALL CONTACT CONTROLS
- c. OC/CHEMICAL APPLICATION
- d. DISTRACTION TECHNIQUES AND STRIKES

- e. LEVERAGE TECHNIQUES
- f. RESTRAINT DEVICES
- g. CANINE SEARCH DEPLOYMENT
- h. GROUND CONTROL TECHNIQUES
- i. VEHICULAR PURSUIT TACTICS
- j. TAKEDOWN TECHNIQUES
- k. ARREST TACTICS
- l. PHYSICAL PURSUIT TACTICS
- m. LVNR® APPLICATION LEVEL 1 AND 2
- n. STUN GUN/TASER

### 3. Duties and Responsibilities

Any officer who applies compliance techniques shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

- a. Officer Responsibilities
  - Initiate Post Application procedures, if necessary.
  - Notify immediate supervisor.
  - Refer to actions in Case Report Narrative.
  - Complete appropriate section(s) of Use of Force Evaluation.
- b. Supervisor Responsibilities
  - Respond to the scene.
  - If injuries result from the application of compliance techniques, respond to the hospital if necessary.
  - Complete supervisor section of Use of Force Evaluation and forward through chain of command to Patrol Operations Commander for processing.
- c. Chain of Command Responsibilities
  - Review Use of Force Evaluation.
  - Initial and make comments if necessary.

### D. Reasonable Officer Assessment of Subject Actions:

**ASSAULTIVE** - Non-compliant perceived as, or resulting in, an actual assault on an individual or officer. The scope and severity of the attack would support the reasonable assumption that the actions would not result in death or serious bodily injury.

#### 1. Reasonable Officer Response:

**DEFENSIVE TACTICS** - Tools and tactics designed to be deployed upon an assaultive subject.

## **2. Enforcement Electives**

- a. ALL COOPERATIVE CONTROLS
- b. ALL CONTACT CONTROLS
- c. ALL COMPLIANCE TECHNIQUES
- d. PERSONAL WEAPONS AND DEFENSES – Strikes, Kicks, Blocks
- e. IMPACT WEAPONS
- f. LVNR® Application Levels 1, 2, and 3
- g. GRAPPLING DEFENSE AND GROUND FIGHTING
- h. DIRECTED CANINE DEPLOYMENT
- i. ARREST TACTICS
- j. STUN GUN/TASER

## **3. Duties and Responsibilities**

Any officer who applies defensive tactics shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

### **1. Officer Responsibilities**

- Initiate Post Application procedures, if necessary.
- Notify immediate supervisor.
- Refer to actions in Case Report Narrative.
- Complete appropriate section(s) of Use of Force Evaluation.

### **2. Supervisor Responsibilities**

- Respond to the scene.
- If injuries result from the application of defensive tactics, respond to the hospital if necessary.
- Complete supervisor section of Use of Force Evaluation and forward through chain of command to Patrol Operations Commander for processing.

### **3. Chain of Command Responsibilities**

- Review Use of Force Evaluation.
- Initial and make comments if necessary.

## **E. Reasonable Officer Assessment of Subject Actions:**

**LIFE THREATENING** - Reasonable perception is that the actions of an individual would likely cause death or serious bodily injury to an individual or officer.

### **1. Reasonable Officer Response:**

**DEADLY FORCE** - The use of any force that is likely to cause death or serious bodily injury. Deadly force does not include force that is not likely to cause death or serious bodily injury but unexpectedly results in death or serious bodily injury. Designed to be employed with a life-threatening subject.

a. Principles of Deadly Force Application

The Department recognizes and respects the value of all human life. Procedures and training are designed to resolve confrontations prior to escalation to the point where the use of deadly force may be applied. During the performance of their duties and as a last resort, officers may apply deadly force when confronted with an imminent danger of death or serious bodily injury to protect themselves or others.

Officers are not required to place themselves or others in immediate danger of death or serious bodily injury before using deadly force. The necessity to use deadly force arises when there is no reasonable alternative to using such force and without it the officers or others would face imminent danger of death or serious bodily injury.

b. Enforcement Electives

- ALL COOPERATIVE CONTROLS
- ALL CONTACT CONTROLS
- ALL COMPLIANCE TECHNIQUES
- ALL DEFENSES TACTICS
- ATTACK DEFENSE AND DISARMING
- FORCIBLE STOP TECHNIQUES
- WEAPON UTILIZATION (To include all approved firearms and Less Lethal bean bag long range impact weapon)
- ARREST TACTICS

c. Duties and Responsibilities

Any officer who applies defenses tactics shall, as soon as practical, comply with the following procedures and assume listed responsibilities:

1. Officer Responsibilities

- Initiate Post Application procedures, if necessary.
- Notify immediate supervisor.
- Refer to actions in Case Report Narrative.
- Complete appropriate section(s) of Use of Force Evaluation.

2. Supervisor Responsibilities

- Respond to the scene.
  - If injuries result from the application of deadly force, respond to the hospital if necessary.
  - Follow procedure outlined in Section 01.08 Firearms Discharge and Application of Force.
  - Complete supervisor section of Use of Force Evaluation and forward through chain of command to Patrol Operations Commander for processing.
3. Chain of Command Responsibilities
    - Follow procedure outlined in Section 01.08 Firearms Discharge and Application of Force.
    - Review Use of Force Evaluation.
    - Initial and make comments if necessary.
  4. Deadly Force Investigations
    - Due to the significant impact on personnel and resources, investigations of deadly force applications shall be addressed specifically in Section 01.08 Firearms Discharge and Application of Force.

## **F. USE OF FORCE REPORT**

1. Use of Force Reports are to be used to document certain applications of force.
2. A Use of Force Report must be completed anytime force is used on a subject whose behavior amounts to the level of Active Resistant or higher.
3. Use of Force Reports will be retained in accordance with Washington State Law.

---

**Chapter 16 is our Standards of Conduct policy. It details the expectations of officers when acting both in an official capacity and when off-duty. It is this Chapter that outlines and sets the foundation for one of our core values, Accountability.**

## **MARYSVILLE POLICE DEPARTMENT POLICIES AND PROCEDURES**

### **16.00 STANDARDS OF CONDUCT AND DISCIPLINARY PROCEDURES**

#### **16.01 CODE OF CONDUCT**

##### **16.01.02 CODE OF ETHICS**

##### **16.01.03 MEMBER STANDARDS OF CONDUCT**

##### **16.01.03.01 PROMOTING A POSITIVE PUBLIC IMAGE: STANDARD**

- 16.01.03.02 KNOWING, OBSERVING, AND OBEYING ALL WRITTEN DIRECTIVES, POLICIES AND PROCEDURES STANDARD
- 16.01.03.03 OBSERVANCE OF CRIMINAL LAWS AND CIVIL TORTS: STANDARD
- 16.01.03.04 DISHONESTY OR UNTRUTHFULNESS: STANDARD
- 16.01.03.05 DISPLAYING COMPETENT PERFORMANCE AND ACHIEVING COMPETENT PERFORMANCE RESULTS: STANDARD
- 16.01.03.06 COMMITTING NEGLIGENT ACTS OR ENDANGERING SELF OR OTHERS STANDARD
- 16.01.03.07 INSUBORDINATION: STANDARD
- 16.01.03.08 CONFLICTS OF INTEREST: STANDARD
- 16.01.03.09 COOPERATION WITH MEMBERS AND OTHER OFFICIALS: STANDARD
- 16.01.03.10 SUPERVISORS SHALL DISPLAY RESPECT TOWARDS SUBORDINATE RANKED PERSONNEL: STANDARD
- 16.01.03.11 DISCRIMINATING OR ESTABLISHING PATTERNS OF DISCRIMINATION IN THE PERFORMANCE OF DUTIES: STANDARD
- 16.01.03.12 ESTABLISHING PATTERNS OF SICK LEAVE USE: STANDARD
- 16.01.03.13 MAINTAINING AN ACCEPTABLE LEVEL OF AVAILABILITY FOR WORK: STANDARD
- 16.01.03.14 PHYSICAL AND MENTAL READINESS TO PERFORM ASSIGNED DUTIES AND ESSENTIAL JOB FUNCTIONS: STANDARD
- 16.01.03.15 USE AND CARE OF DEPARTMENT PROPERTY AND EQUIPMENT: STANDARD
- 16.01.03.16 AIDING OTHER MEMBERS STANDARD
- 16.01.03.17 COMMITTING OR CONDONING ILLEGAL OR FORBIDDEN HARASSMENT: STANDARD
- 16.01.03.18 ALCOHOL USE AND RELATED CONDUCT: STANDARD
- 16.01.03.19 USE OR UNLAWFUL SALE OR POSSESSION OF ILLEGAL OR UNAUTHORIZED DRUGS: STANDARD
- 16.02 DISCIPLINARY SYSTEM
  - 16.02.01 REGULATION OF THE DISCIPLINARY SYSTEM
- 16.03 DISCIPLINARY PROCEDURES
- 16.04 SUPERVISORY AND COMMAND STAFF
- 16.05 DISMISSALS
- 16.06 MAINTENANCE OF RECORDS
- 16.07 APPEAL PROCEDURES

## **MARYSVILLE POLICE DEPARTMENT POLICIES AND PROCEDURES**

### **16.00 STANDARDS OF CONDUCT AND DISCIPLINARY PROCEDURES**

#### **16.01 CODE OF CONDUCT**

### **16.01.01**

Police Officers are granted a public trust that requires they consistently demonstrate the highest degree of integrity; to be worthy of this public trust; and to ensure that their professional conduct is above reproach. They must not only conform to a Code of Ethics, but must also abide by standards of conduct. Nothing in this Code of Ethics or standards of conduct is intended to limit or supersede any provision of law relating to the duties and obligations of police officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned. Nothing in this chapter is intended to limit the authority of this agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained.

### **16.01.02 CODE OF ETHICS**

As a City of Marysville Police Officer, my fundamental duty is to the community; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality, and justice.

I will keep my private life in good order, and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Marysville Police Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept confidential unless otherwise necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime, and with relentless prosecution of criminals, I will enforce the laws courteously, fairly, and appropriately; without fear or favor, malice or ill will, never employing unnecessary force or violence.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of public service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, law enforcement.

### **16.01.03 MEMBER STANDARDS OF CONDUCT**

The duties performed by this department are vital to the safety and well-being of the citizens of this community and the members of this department. Members must therefore maintain high standards of conduct. The following section describes standards that shall be met by each member in keeping with the mission of this department. The following sections describe the standard, explain the necessity of the standard, and provide examples of violations, and non-violations.

In all the examples of violations, a notation is: “Example of Violations” is a non-exclusive listing of all possible examples of violations of “Standards of Conduct.” Examples promote understanding of the types of actions and behavior administration wishes to prohibit or to command from its members and is subject to periodic change as deemed necessary by administration.

#### **16.01.03.01 PROMOTING A POSITIVE PUBLIC IMAGE: STANDARD**

Members shall not be discourteous to members of the general public, and shall conduct themselves on-duty and off-duty in a manner that does not damage, in the mind of a reasonable person, or bring the public image, integrity, or reputation of the Marysville Police Department into discredit or disrepute.

##### **A. Basis for Standard:**

Members shall accept full responsibility for their behaviors and the results of their behaviors on duty as well as off duty. Behavior that may not be considered improper in private employment could be considered improper in the public sector because of the nature of the public service mission.

Historically, citizens are quick to criticize and require that public safety members be right as well as look right in the conduct and behavior. The public expects law enforcement officers to set an example through their conduct and behavior both on and off duty. As such, law enforcement officers and members are held to a higher standard than ordinary citizens.

Administration recognizes its responsibility to balance standards of conduct designed to promote public trust while at the same time to avoid unnecessary infringements on the member’s rights to privacy, Constitutional rights, and due process of law. At the same time, members who wish to hold the honor of a public position and enjoy the privileges of public trust share an affirmative responsibility to conduct themselves on duty and off duty in a manner that does not bring public image or trust into question. The member’s right to privacy does not create an obligation to finance those rights at the expense of effective, efficient, or safe operations of the department.

B. Examples of Violations:

1. Engaging in conduct unbecoming a law enforcement officer or member.
2. When acting in an official capacity, failing to identify himself/herself, producing badge, and/or identification card and serial number to any member of the public when requested to do so. This does not include identifying himself/ herself when working undercover or if his/ her safety would be compromised by doing so.
3. Failing to present proper grooming, uniform or dress appearance while on duty or representing the department.
4. Failing to speak courteously or act courteously toward members of the public.
5. Smoking or chewing tobacco while meeting the general public.
6. Taking criticisms of the agency's operations to the general public when such actions cause the Department to suffer the public's loss of faith; and when the member cannot show that such actions were in the public's best interest.
7. Using profane or abusive language in front of members of the public.

C. Examples of Non-Violations:

1. Off duty conduct or non-criminal behavior that has no impact or probable impact on the effectiveness or efficiency of this Department.
2. On-duty conduct or work behavior that is questioned by a citizen and through a formal administrative response can be honestly explained and justified by the business necessity of the situation existing at the time.
3. Off-duty constitutionally protected speech including bona fide political or labor organization activities.
4. Conduct off-duty outside the community when the member is not identified with the department if the general public does not discover the conduct.

**16.01.03.02 KNOWING, OBSERVING, AND OBEYING ALL WRITTEN DIRECTIVES, POLICIES AND PROCEDURES STANDARD**

Members shall display an affirmative, consistent effort to observe and comply with the spirit as well as the letter of written directives, policies and procedures established for the effective, efficient, and safe operations of this department. This standard applies to written directives, policies, and procedures.

A. Basis for Standard:

Written directives, policies, and procedures, are administration's tools to achieve overall official efficiency and effectiveness in day-to-day operations and decision making. They are designed to communicate administration's intent and help administration focus its resources.

B. Examples of Violations:

1. Consistently failing to be aware of information in written directives, policies and procedures.
2. While on duty, using any firearms that are unauthorized by policies or procedures, or using any authorized firearms in a manner that is not authorized by policy or procedures.

C. Examples of Non-Violations:

1. Deviations from written directives, policies, and procedures may be permitted,

provided that the member can provide, in writing, if requested, substantial proof that such deviations were due to business necessity or to further the Department's mission.

2. Members who, by virtue of inexperience (i.e. on probation or transferred to new assignment) could not be reasonably expected to know the performance based directives.

#### **16.01.03.03 OBSERVANCE OF CRIMINAL LAWS AND CIVIL TORTS: STANDARD**

Members shall obey the constitutional, criminal and civil laws and torts of the city, county, state, and federal governments.

##### **A. Basis for Standard:**

Service and protection of the public, impartial administration and carrying out of duties, observing and obeying the very laws sworn to uphold, and providing equal service to all are covenants public officials are bound to honor as part of their commitment to the public. Officials who violate those laws destroy public faith and respect for this department and weaken its ability to perform its mission.

##### **B. Examples of Violations:**

1. Maliciously committing an unlawful search, seizure, or detention of another person or another's property.
2. Inflicting punishment or mistreatment upon a prisoner or person in custody or detention.
3. Violation of any local, state, county, or federal criminal or traffic laws.
4. Refusing or failing to protect a prisoner's civil rights when such need is made known or should have been realized by a competent officer.
5. Using excessive force to hold, affect an apprehension, arrest or detain any person.
6. Unprivileged publication of a false statement intending to harm the reputation of another member of this agency or any person in general.  
Slander if done orally, and libel if put in written form.

##### **C. Examples of Non-Violations:**

1. Legislated exemptions for example, the operation of an emergency vehicle under emergency conditions, the right to use force to effect a lawful arrest or detention, emergency medical response or hazardous materials spill.
2. A minor infraction of a law such as traffic violations would not normally be considered a violation of this standard unless when viewed in the totality of the circumstances, it becomes detrimental to the positive image of the department.

#### **16.01.03.04 DISHONESTY OR UNTRUTHFULNESS: STANDARD**

Members shall not lie, intentionally give misleading information, or falsify written or verbal communications in official reports or in their actions with another person or organization when it is reasonable to expect that such information may be relied upon because of the member's position or affiliation with this department.

A. Basis of Standard:

Public work is based upon public trust and confidence. Performance standards in this area are much higher for public members than for the ordinary citizen. History has shown that the public is quick to react to a lost trust in its elected or appointed officials. This often includes reduction in operating budgets, external review boards, replacement of officials, and in the extreme, abolishment of the organization.

B. Examples of Violations:

1. Conducting a performance evaluation in a manner that does not comply with the policies governing performance evaluations or does not comply with the spirit or intent of the evaluation process.
2. Covering up or purposely failing to report damage or loss of city equipment.
3. Falsifying a job application, activity records, report, attendance records, certification records, public documents, etc.
4. Falsifying a sick leave report, worker's compensation or accident claim.
5. Intentionally failing to provide a complete and accurate report or account when it is evident to a reasonable and prudent person that a complete report would lead to a different conclusion.
6. Giving untruthful statements during a legal proceeding, agency investigation or administrative proceeding.
7. Providing citizens with misleading or false information to avoid performance of duties.
8. Requesting another to change or withdraw a report, or cause the delay of any official communications.

C. Examples of Non-Violations:

1. Redirecting a criminal suspect's or a potentially dangerous suspect's attention or focus in order to reduce the threat of injury or jeopardizing of an important investigation is not a violation of this standard.
2. Minor omissions or errors on reports or cases that have no significant impact on the eventual outcome.
3. It is not a violation to use deception as a legitimate investigative tool provided the method used is consistent with practices accepted by courts and the Prosecutor's Office.

**16.01.03.05 DISPLAYING COMPETENT PERFORMANCE AND ACHIEVING  
COMPETENT PERFORMANCE RESULTS: STANDARD**

Members shall display competent performance and consistently achieve competent performance results on all assigned or assumed job responsibilities, duties and tasks.

A. Basis of Standard:

In a public safety organization where much of the work involves citizen liberties and physical safety, incompetent performance cannot be tolerated. When incompetent performance is discovered, its source must be dealt with effectively and efficiently or the potential of damage or injury exist. When this potential occurs, the organization

runs the risk of incurring severe criticism, the loss of public trust, and the creation of civil liability.

As the term is used here, competency is a characteristic of a performance outcome, not a characteristic of an individual. Members are hired to achieve results; and if a member brings about an acceptable performance outcome, he or she has displayed the ability to apply his or her combination of knowledge, skill and attitude within the context of the situation to bring about a useful outcome for the organization.

Knowledge, skill and attitude are useless to the organization if the member is unable to apply them productively. Consistency in the workforce is critical to professional public service. Anytime inconsistency is an issue in a violation; the member must have been given notice to correct the inappropriate behavior.

B. Examples of Violations:

1. Any member having to be repeatedly told how to do the routine tasks of the job.
2. A supervisor violates this standard when he/she fails to correct a subordinate's violation after such violations are first known.
3. Consistent failure to appear properly dressed and equipped for the duty assignment.
4. Consistent failures to enter accurate report data on reports or into information storage files.
5. Consistent failure to pass regular qualifying exams or tests within the established time periods, such as firearms, emergency medical, knowledge of policies or procedures, certification examinations.
6. Consistently taking work breaks at times when it fails to promote the most effective and efficient flow of work occurring at the time.
7. Failing to demonstrate competent performance results on any assigned or assumed duty or task after receiving comparable training and experience as the typical member.
8. Consistently not being equipped with proper tools, forms, or equipment to perform expected job duties and tasks when such items are available.
9. Repeated failure to complete reports when necessary information is available, after receiving notice to correct.
10. The failure to appear for hearings or trials without good cause.

C. Examples of Non-Violations:

1. Any member who asks questions and is not able to competently perform a duty or task because he/ she has not had the training or experience available to the typical successful performer whom does similar duties or tasks.
2. This standard is not intended to include those times when an otherwise productive employee's performance decreases due to specific reasons for a finite period of time due to personal problems and resumes to its usual level.

#### **16.01.03.06 COMMITTING NEGLIGENT ACTS OR ENDANGERING SELF OR OTHERS STANDARD**

Members shall not commit acts or behave in such a negligent manner that has the potential for endangering or injuring themselves, property, or another person.

##### **A. Basis for Standard:**

Safety in public service work is paramount due to the level of public trust and the nature of the equipment involved; for example, firearms, motor vehicles, impact tools, chemicals, etc. Negligent use and handling of equipment significantly increases the risk of injuries to citizens and personnel as well as increases the risk of potential liability for the department.

##### **B. Examples of Violations:**

1. Allowing the untrained or inexperienced members or civilians to use equipment that has the potential of being damaged or injuring any person.
2. All behaviors regulated or prohibited by specific guidelines, policies, procedures, and practices that are designed to prohibit unnecessary risk to everyone's safety.
3. Failing to notify the dispatcher of a location during any official action when reasonably able to do so.
4. Horseplay: The use of equipment for a purpose not specifically designed or pranks which create the possibility of injury.
5. Failing or refusing to wear a seat belt properly.
6. Leaving unsecured or improperly stored weapon or potential weapon.
7. Failing to report damaged or dysfunctional equipment that has the probability of endangering one's self or another.
8. Leaving security doors open, ajar, or defeating the locking mechanism.
9. Failing to keep aware while on patrol of events and circumstances that arise during the shift, which have a reasonable expectation of causing a safety concern for others or for one's self.
10. Unsafe and/or improper handling of equipment that carries a reasonable risk of endangering persons or property.
11. Handling, aiming, firing, unloading or loading weapon contrary to established policies or procedures.
12. Failing to provide known information or withholding information that results in another member or person being injured or subject to an unnecessary safety or health risk.

##### **C. Examples of Non-Violations:**

1. Situations where the probable consequences or actual consequences, as judged by a reasonable member, of committing the negligent act are less dangerous than the actual or probable consequences of failing to perform.
2. Equipment malfunctions when such malfunctions are beyond the control of the member.
3. An act where risks occur because the member has not received Department approved training.

#### **16.01.03.07 INSUBORDINATION: STANDARD**

Members shall observe and obey the lawful verbal and written directives, policies and procedures of the Marysville Police Department. They shall also subordinate their personal preferences and work priorities to the lawful verbal and written directive, policies, and procedures of this Department, as well as to the lawful orders and directives of supervisors and superior command personnel of this Department. Members shall perform all lawful duties and tasks assigned by supervisory and/or superior-ranked personnel. Refusal to do so is insubordination.

##### **A. Basis for Standard:**

Employment is a mutual exchange of interests and benefits between management and its members. In exchange for the privilege of employment and paid compensation, administration has the right to expect members to perform duties and tasks of their positions or any other tasks lawfully assigned and achieve effective and efficient performance results. It is reasonable to expect members to obey operational directives and the orders of the Department's supervisors. When disagreements between administration and members occur, administration has the right to expect members to follow the accepted labor principle of, "Obey now and grieve later."

Insubordination and insubordinate behavior are recognized by labor practices to be among the most serious offenses. If insubordination is allowed to go unchecked, administration loses control and authority over its work force.

##### **B. Examples of violations:**

1. Refusing to submit to a lawful examination of body fluids or a chemical test when directed to do so by a supervisor.
2. Refusing to follow the specific requirements for the use of light duty as set forth by the physician and agreed to by the Chief of Police.
3. Refusing to turn in a report when specifically directed to do so by a supervisor or by a member in a superior ranked position.
4. Refusing to perform the assigned work duties or tasks performed by the typical member in like or similar positions.
5. Deliberate defiance of administration's legitimate exercise of its rights.
6. Refusing a supervisor's directive to report for work when the member is being called in from off-duty status.
7. Habitually challenging written directives, policies, or procedures without providing objective and documented facts, in written form, to support justification for such deviation.
8. Refusing to convey positively and constructively to subordinates the written directives, policies, and procedures of the Department.
9. Refusing to report to a place of duty at the designated time and location.
10. Refusing to perform assigned work duties or tasks for the position being held.
11. Insubordinate behavior through continual complaining.

##### **C. Examples of Non-Violations:**

1. Refusing to obey unlawful, criminal, or unconstitutional directives.
2. Refusing to perform tasks that create an unreasonable safety hazard for which any member has not been trained or adequately equipped to handle safely.
3. It is not a violation for union officials to challenge Department directives, policies, or procedures provided this is done in a manner that is legally permissible.

#### **16.01.03.08 CONFLICTS OF INTEREST: STANDARD**

Members shall not create conflicts of interest or potential conflicts of interest with the duties and obligations of their positions within this department.

**A. Basis for the Standard:**

Public service work requires that members do not compromise the authority, integrity, trust, or confidence inherent in their offices.

Public safety officials have easy and often uncensored and unquestioned access to people, information, resources, and positions of trust not easily available to the general citizen. This “freedom of office” must be governed and controlled if the public trust is to be preserved. Failure to do so will severely restrict the ability of this department to provide its services in an effective and efficient manner. When conflicts of interest occur between the member’s private rights as a citizen and the privileged rights attributed to the member’s position within the Department, administration attempts to bring about a reasonable balance, if possible. When this balance cannot be made and the member’s actions are in promoting his/her own personal interests, administration must initiate action designed to promote the mission of the Department.

**B. Examples of Violations:**

1. Accepting gratuities from any business or person, especially when the giver has a personal service to gain from providing the gratuities or when there is the potential for gaining a personal service.
2. Engaging in an illegal work slowdown, sit-in, or strike.
3. Failing to perform a duty because of personal interests.
4. “Fixing” or attempting to have “fixed” a citation or infraction.
5. Giving out unauthorized information or information in violation of policy to any person, such as news media, attorneys, bondsmen, parents, and patients.
6. Incurring financial liability or obligations for the Department without job authority or written permission to do so.
7. Owning a business in whole or part that provides a service or product that conflicts with or jeopardizes the mission, goals, or objectives of the Department.
8. Performing a secondary job while on duty, such as making business contacts, conducting follow-ups on outside work, delivering correspondence, selling, etc.
9. In an official capacity, recommending the private or professional services of a specific attorney, bondsman, tow truck operator, hospital, doctor, architect, engineer, contractor, builder, etc. to a citizen, victim, or prisoner.
10. Soliciting or accepting rewards for performance of service.

11. Using information gained from professional duties for personal gain.
12. Working for an individual, or establishment that has a community or departmental reputation for violence, crimes, vice, illegal drug trafficking, etc.
13. Using a badge or credentials that represent the Department to gain free admission or privileges into any public or private gathering, event, or establishment.
14. Conducting any political activity in violation of R.C.W. 42.17.130.
15. Conducting violations of R.C.W. 42.20, 42.22, or other R.C.W. pertaining to "Conduct of Public Officers."

C. Examples of Non-Violations:

1. Freedom of speech and associated issues, provided the exercise of such rights does not conflict with this department's business necessity.
2. Refusal to follow administration's request to discontinue a conflict of interest situation is not a violation of this standard; these incidents are violations of the insubordination standard.
3. Responding to an emergency, while on duty, of a personal nature if the supervisor verifies and approves the necessity and another's safety or public services are not at issue.
4. Authorized off-duty employment.
5. Acceptance of awards through Department's award programs.

**16.01.03.09 COOPERATION WITH MEMBERS AND OTHER OFFICIALS:  
STANDARD**

A. Basis for Standard:

The need to work cooperatively with members of other agencies and public officials is self-evident. The effective, efficient, and safe delivery of public services requires a coordinated effort of all members and public service agencies.

B. Examples of Violations:

1. Failing to share work-related information with another member of or another agency when it is found that such a failure resulted in ineffective, inefficient, or unsafe performance of any member's duties and responsibilities.
2. Refusing to turn over a scene or incident to another agency that has greater or more appropriate jurisdiction
3. Failure to pass information or communications along the chain of command when it was intended or appropriate to do so.
4. Interfering with any investigation assigned to another member or agency, or any arrest or prosecution brought by another member, person, or agency without the permission of the Chief of Police or his/ her designee.

C. Examples of Non-Violations:

1. Members are not required to compromise professional integrity to gain the cooperation of another individual or organization.
2. Directing requests through the established chain of command when their

approvals are necessary.

3. Existing resources do not allow compliance with the request.

#### **16.01.03.10 SUPERVISORS SHALL DISPLAY RESPECT TOWARDS SUBORDINATE RANKED PERSONNEL: STANDARD**

Supervisors shall treat subordinates with the same courtesy and respect that is required of subordinates to display toward supervisors. Criticisms of a member's performance will be made directly to the subordinate and, when practical, in a private setting.

##### **A. Basis for Standard:**

Members who are treated with respect, concern, and courtesy are typically better performers and have better morale. Supervisors who respect subordinates and limit criticisms to unsatisfactory work performances obtain high levels of member cooperation. Supervisors are expected to evaluate the performance, not the person.

Because supervisors are administration's representatives, higher levels of performance are expected of them in this area; and they are expected to set a positive example for others to follow.

##### **B. Examples of Violations:**

1. A supervisor discusses a private conversation with another individual who has no business necessity to know about the conversation.
2. Criticisms directed at the member and not the member's performance or performance results.
3. Failing to find a private place to speak with a member about performance problems or criticizing the member's performance in front of others who have no need to know about the problem.
4. Supervisor consistently admonishes the subordinate without full knowledge of the situation at the time.

##### **C. Examples of Non-Violations:**

1. Reacting during the excitement stage of an emergency to a subordinate without courtesy when the subordinate initiates disrespectful, offensive, or threatening behavior.
2. Humor, of a non-offensive or legal manner, to relieve tension of stress, is not intended to be a violation of this standard. Should a particular member become the victim of targeted harassment, a violation of this standard exists.
3. Discussing important information of a performance nature when others at a meeting need to know the information to perform their jobs.

#### **16.01.03.11 DISCRIMINATING OR ESTABLISHING PATTERNS OF DISCRIMINATION IN THE PERFORMANCE OF DUTIES: STANDARD**

In words, deeds, gestures, performance of jobs, duties, tasks, and delivery of services, members shall not discriminate in the delivery of services when such discrimination has a basis in such areas as a person's sex, ethnic background, race, color, national origin, lifestyle, sexual preference, religion, criminal history, age, disability, or social status.

A. Basis for Standard:

Public members must strive to maintain the performance of duties and delivery of services to all persons regardless of their personal characteristics, social status, or work conditions. Discriminatory service and treatment of all citizens create a serious threat to the well-being of all as well as expose the department to the possibility of civil and/or criminal action.

B. Examples of Violations:

1. Not patrolling in select neighborhoods compared to other members responsible for patrol of a particular neighborhood provides substantial evidence that this standard is being violated.
2. The enforcement activities of any member when compared to the typical activities of the work unit show a disproportional impact on a specific demographic group or against a specific individual or group of individuals.

C. Examples of Non-Violations:

1. Concentrated enforcement activity because of previously established violation patterns.
2. Selective enforcement programs for specific violations of codes or ordinances.
3. After a crime involving a black man, woman, Hispanic, etc., with personal identifying characteristics, the officer stops suspects with similar characteristics.

**16.01.03.12 ESTABLISHING PATTERNS OF SICK LEAVE USE: STANDARD**

Members shall not establish patterns for sick leave use.

A. Basis for Standard:

All sick leave use affects the effective, efficient, and safe operation of this department. The nature of public safety/security work requires a cadre of workers capable and ready to handle any established or expected service demanded by the public. Public personnel have specialized and specific training that cannot be easily replaced or substituted by other persons, and replacement or substitutions are usually difficult for administration. NOTE: Members should be aware that their reasons for sick leave use are not the critical factors in judging violations of this standard. It is the establishment of a pattern of sick leave that constitutes a violation.

B. Examples of Violations:

1. Sick leave use beginning or ending with specific shifts or time periods, such as preceding holidays, sports events, seasonal events, etc.
2. Sick leave of short duration, less than three days, due to alleged sickness that is attached to scheduled days off or other scheduled time off.
3. Consistently using sick leave within a short time in which it is earned.
4. Use of sick leave at a rate that consistently leaves the member with less than 16 hours.

C. Examples of Non-Violations:

1. Sick leave associated with restricted or light duty.

2. Sick time in conjunction with family leave law.
3. Patterned sick leave use that follows an agreement by the department to accommodate a disability is not a violation of this standard.

#### **16.01.03.13 MAINTAINING AN ACCEPTABLE LEVEL OF AVAILABILITY FOR WORK: STANDARD**

Each member must maintain a level of availability for work during any regular reporting period that is at least that of the work unit's calculated average for the reporting period.

##### **A. Basis for Standard:**

Public safety requires team effort, and each member plays an important part as a member of the team. Unless members are regularly available for duty, work cannot go on effectively or efficiently. Excessive absenteeism causes unnecessary increases in official operating expenses.

##### **B. Examples of Violations:**

1. All unauthorized absences.
2. Failing to attend a scheduled training course or being absent from any time from a scheduled training occurs without direct approval from appropriate authority.
3. Reporting late for duty after receiving notice to correct this behavior.
4. Time lost because of reporting for duty unfit or not ready for duty. This includes physical or mental fitness, and the failure to bring or wear necessary equipment or uniform.
5. Time lost sleeping, or loafing while on duty.
6. Time spent conducting personal business on work time, unless approved by sergeant/supervisor.
7. Time spent on extended lunch or work break after receiving notice to correct.

##### **C. Examples of Non-Violations:**

1. Earned vacation time.
2. Approved time in training, special work, or educational assignments.
3. Minimal required military commitment time as permitted by law.
4. Time off on approved disability.
5. Approved bereavement leave.
6. Time off for jury duty.

#### **16.01.03.14 PHYSICAL AND MENTAL READINESS TO PERFORM ASSIGNED DUTIES AND ESSENTIAL JOB FUNCTIONS: STANDARD**

Members shall report to work and while working remain mentally, physically, and emotionally ready to assume and competently perform all their assigned duties and essential job functions.

##### **A. Basis of Standard:**

Effective, efficient, and safe public service depends on members being ready to perform competently and effectively at a moment's notice. Decreased public trust and quite often increased threats to member safety can occur in a public safety organization if administration had to wait for non-performance to occur before testing

and monitoring for readiness. It is reasonable and logical to assume that members who are physically and mentally ready to perform will be better performers than those who are not as physically and mentally prepared.

Members who lack the physical and mental capabilities to assume the responsibilities and duties expected of their jobs create a public safety hazard for themselves as well as others who may depend on their performance to provide an effective, efficient, and safe protective service.

It will be job functions that are performed on a regular basis that are used to determine in part the expected level of the member's fitness and mental and emotional readiness.

**B. Examples of Violations:**

1. Behaving in a manner that would lead a reasonable person to suspect that the member's mental ability, attitude, or demeanor was atypical, such as hostile or offensive behavior, profuse anger, beyond normal agitation.
2. Failing to pass any test or examination, fitness, drug, or psychological examination, that is directly associated with the nature of the member's essential job functions may be evidence of a state of non-readiness to assume the duties and responsibilities of the member's position.
3. Failing to perform an assigned task and an investigation into the matter reveals a lack of physical or mental readiness.
4. Reporting for work after taking any substance, including prescription or "over the counter" medication that impairs the member's ability to perform the essential job functions. If the member is unsure as to the effects of the substance taken, it is the member's duty and responsibility to report the matter to his/her supervisor for a determination whether the member is fit for work.

**C. Examples of Non-Violations:**

1. Occasionally failing to perform at peak performance, especially after a recent shift change is expected. However, the member never relinquishes the responsibility for adequate performance regardless of conditions.
2. Members working in temporary light duty assignments or who are being accommodated due to a disability are not in violation of the standard relative to such assignment or duty.

**16.01.03.15 USE AND CARE OF DEPARTMENT PROPERTY AND EQUIPMENT: STANDARD**

Members are accountable for the proper use and care of any property or equipment assigned to them, used by them, or under their direct or constructive care.

**A. Basis for Standard:**

Constructive care means caring for equipment not being used, found, left unattended, or unsupervised. All members are accountable for assuming the care

for such equipment and are required to take affirmative action to return it to its proper place of storage.

Property means tangible and intangible ownership of goods, rights, or privileges of this department such as tools, weapons, copyrights, and logos. Equipment is the tool by which the department is able to accomplish its objectives and mission and represents a capital investment of public resources.

Administration has the specific right and inherent interest in assuring the public that its equipment will be cared for and used in an effective, efficient, and safe manner. Part of this responsibility includes designating what equipment will be used, how it will be used, who shall and shall not use Department equipment or property, and how it shall be cared for while entrusted to any member.

**B. Examples of Violations:**

1. Private use of City equipment without the review and approval of an appropriate administration or supervisory person.
2. Failing to report damaged or dysfunctional equipment.
3. Failing to report loss of City property or equipment.
4. Purposely disabling or further damaging equipment.
5. Failing to avoid damaging or purposely damaging equipment.
6. Failing to perform routine and regular maintenance on assigned equipment.
7. Testing or using city equipment in an unauthorized manner that results in damage to the equipment.
8. Using special or restricted City equipment without gaining proper supervisory authorization.

**C. Examples of Non-Violations:**

1. Unique use of equipment under abnormal or emergency conditions to facilitate the saving of a life or prevention of further injury or serious damage to another person or property.
2. Any equipment damaged, torn loose, or damaged as a result of an altercation that was properly placed, secured, stored, or handled is not a violation of this standard.
3. Failure to perform routine and regular maintenance is not a violation without instruction of maintenance needs.

**16.01.03.16 AIDING OTHER MEMBERS STANDARD**

Members shall, during the line of duty, come to the aid of another member when a request or a need is made known.

**A. Basis for Standard:**

The nature of public safety work frequently requires the support, assistance, and safety of other members. Knowing this support will be rendered in time of need promotes and maintains morale and a sense of well-being and safety among all members.

B. Examples of Violations:

1. Establishing a pattern of being habitually unavailable or unable to respond to a request for assistance or to take a call.
2. Failing to self-initiate an appropriate response in a situation where another comparably trained member with similar job responsibilities would self-initiate an appropriate response without waiting to be told to do so by a supervisor, peer, or dispatcher.
3. The failure to participate as a back-up for another member or the repeated dependence on another member to take the lead in potentially injurious or dangerous situations.
4. Purposely going out of service, for example, not answering a radio when called, unplugging the telephone to avoid taking a call, logging out of service, when substantial evidence indicates another member or person needs assistance.
5. Being assigned to assist as a back-up and habitually failing to be able to provide support or assistance.

C. Examples of Non-Violations:

1. Not responding to situations in which a similarly trained and experienced member, based on the facts known at the time, would not suspect or be led to believe that assistance was necessary.
2. Refusing to assist another member in what would amount to be a violation of law.

**16.01.03.17 COMMITTING OR CONDONING ILLEGAL OR FORBIDDEN  
HARASSMENT: STANDARD**

Illegal or forbidden harassment: Sex, race, religion, national origin, ethnic, disability, or age is prohibited as a basis for conduct, behavior, or decisions affecting another member's or potential member's terms or conditions of employment. Members shall not use sex, race, religion, national origin, ethnic, disability, or age in their words, actions, gestures, conducts, or behaviors that could reasonably be construed or perceived by another member or potential member as hostile, offensive, or intimidating.

A. Basis for Standard:

It is administration's right and responsibility to channel, control, and otherwise prohibit member behavior or conduct that has the potential to cause employer liability or disruption in the workforce or subject administration to civil liability for violations of a member's civil rights.

On-the-job or job-related sexual, ethnic, racial, national origin, or religious harassment is a serious violation of a member's or potential member's civil rights. Civil courts hold employers and members highly accountable and liable for controlling behavior and conduct in these areas.

B. Examples of Violations:

1. A supervisor denying an employee with whom he or she currently has or has had a personal relationship an atypical amount of preferential job assignments or work conditions.
2. A supervisor giving an atypical amount of preferential or non-preferential jobs

assignments or favorable or unfavorable considerations to an employee with whom he or she currently has or has had a personal relationship.

3. An employee observing or condoning, through actions or inaction, prohibited harassment by failing to properly report it to designated management authorities. This is particularly serious if a supervisor is found in violation.
4. Continually asking an employee for dates, once that employee has expressed no interest in starting or continuing a personal relationship.
5. Fail to demonstrate positive efforts to get along with a member of a different race, sex, religion, or national origin, or refusing to work with such persons.
6. Inability to get along with an employee of another race, sex, religion, or national origin, or refusing to work with such persons.
7. Making slurs based on sex, race, religion, national origin, age, physical disabilities, sexual preference, or ethnic background, to or about employees.
8. Posting derogatory graffiti, cartoons, or script on bulletin boards, chalkboards, walls, locker rooms, or vehicles, or failing to remove, or arrange for the removal of such prohibited graffiti, cartoons, or illustrations.
9. Telling sexual, racial, ethnic, national origin, or religious, sexual preference, age, or disability jokes or stories while on duty or identified as a member of the department.

C. Examples of Non-Violations:

1. The telling of stories or jokes that do not have an illegal basis such as sex, race, ethnic, national origin, religion, sexual preference, age, or disability.
2. Language, not slang, in reports or other communications that provides standard descriptions of witnesses, suspects, and others. (i.e. three black males, one white female).
3. Instances where potentially offensive language is necessary to facilitate an investigation or protect a law enforcement identity, such as in Narcotics, Vice, and Gang investigations.
4. The unintentional, inadvertent hearing or viewing of explicit written or spoken words or actions that is potentially offensive when it is pertinent to a law enforcement incident.

### **16.01.03.18 ALCOHOL USE AND RELATED CONDUCT: STANDARD**

Members shall not possess nor consume alcoholic drinks on duty or while in uniform on duty or off duty, nor shall any member consume alcoholic drinks within eight (8) hours before his/her reporting time for duty or report to duty with evidence of having consumed any alcoholic drink.

A. Basis for Standard:

The consumption or possession of alcoholic drinks by public officials is highly scrutinized by the public. Improper and excessive uses of such chemicals lead to severe criticisms of this department and of all its members. Because a large portion of public safety work depends on the member's ability to evaluate critical situations and make judgments that often affect public confidence, life, liberty, and safety, it is

critical that judgments be as unimpaired as is practical. The effects of alcoholic drinks interfere with this decision-making ability.

**B. Examples of Violations:**

1. Authorized alcohol consumption when the blood alcohol level exceeds the state's presumptive level or the member's behavior indicates that the member is under the influence of alcohol.
2. Any unapproved consumption of alcohol while in uniform on or off duty.
3. Consumption of alcohol while off duty, but while on standby status and, if called out, not being able to report to duty without violating this standard.
4. Reporting to or remaining on duty with the smell of an alcoholic drink on one's breath or emitting erratic behavior that would indicate the member was under the influence of an alcoholic drink or is suffering from a hangover.

**C. Examples of Non-Violations:**

1. Non-uniformed assignments where alcoholic consumption is necessary to facilitate an investigation or protect a law enforcement identity.
2. Special events when out of uniform and when no reasonable expectations of assuming enforcement duties exist, and the purpose is to establish work contacts or promote public relations.
3. Lawful possession through duty necessity is not a violation of this standard.

**16.01.03.19 USE OR UNLAWFUL SALE OR POSSESSION OF ILLEGAL OR UNAUTHORIZED DRUGS: STANDARD**

Members shall not unlawfully possess, sell, consume, use, or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty.

**NOTE:** Unauthorized means any substance, drug, or medication that is illegal to possess as well as any legal substance, drug or medication that is used without medical approval as well as prescription drugs used in the workplace that have the potential to affect the employee's job performance and are used without management's knowledge.

**A. Basis for Standard:**

The illegal and improper use of drugs is a national problem. Public officials who are known to use illegal drugs or use authorized drugs improperly subject this department to severe criticism and damage the image of the whole department. By its very nature, public safety work depends on the member's ability to evaluate critical situations and make judgments that affect public confidence and often citizen's lives, liberties, and safety. It is critical that judgments be as unimpaired as practical and free from the adverse effects of any drugs.

**B. Examples of Violations:**

1. The continued usage of a prescribed drug once the medical reason for the drug is no longer valid.
2. Use, possession, or being under the influence of any unauthorized drugs or medications while on duty.
3. Reporting to duty or remaining on duty while displaying erratic behavior or

actions that would lead a reasonable and prudent supervisor to believe the member was under the influence of drug or medication.

4. Not being able to account through proper documentation, for any drugs, or substance handled by a member in an official capacity.

C. Examples of Non-Violations:

1. Involvement, either directly or indirectly, in the sale or distribution of any illegal drug, substance of abuse or related paraphernalia as a requirement of an official assignment such as in narcotics investigations.
2. Prescription medicine permitted for use by a medical professional and management and that is used in the manner in which it is prescribed.

## **16.02 DISCIPLINARY SYSTEM**

The Marysville Police Department as an agency of City government, must be accountable for the official acts of all its employees. To ensure and exercise the accountability, it is necessary to have a system of review, examining selected official acts. This review may be initiated by anyone. Its end product must be, at a minimum, assurance that any policies, procedures, or individual actions meet the test of fairness, equity, and justice, or being to fall short of these tests, will be subject to prompt corrective action.

A relationship of trust and confidence between members of the Police Department and the community they serve is essential to effective law enforcement. Police officials must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. In addition, police officers have a primary obligation to meticulously respect the rights of all people.

Meeting the responsibility to itself and the community, the Marysville Police Department establishes a system of complaint and disciplinary procedures by this policy. The system will not only subject an employee to corrective actions when improper conduct is evident; it will protect the individual employee when his/her duty is performed properly.

It is the purpose of these procedures to provide a prompt, just, open, and quick disposition of complaints, from whatever source, regarding the conduct of the members and employees of the Marysville Police Department. To this end the department welcomes constructive, and valid criticism of department procedures, and complaints against its employees from concerned citizens of the community and from its own members.

### **16.02.01 REGULATION OF THE DISCIPLINARY SYSTEM**

Marysville Civil Service Rules, the City of Marysville Personnel Rules and the current collective bargaining agreement regulate the disciplinary system of the Marysville Police Department.

## **16.03 DISCIPLINARY PROCEDURES**

### **16.03.01**

When an investigation into misconduct is completed and allegations of misconduct are sustained, the Chief of Police will receive and review the investigation and recommendation. He/she will then make a determination of the appropriate action to take.

### **16.03.02**

If the appropriate corrective discipline is counseling, verbal reprimand, or departmental letter of reprimand, it shall be noted by the Chief of Police and returned to his/her designee for implementation. The appropriate discipline will be determined consistent with Department Policy, City Policy and Civil Service Rules.

### **16.03.03**

When an employee receives a counseling report, it will be in writing, and will detail the circumstance of the incident and the action taken. The employee will be given a copy, and asked to sign the original which will be placed in his/her personnel file.

### **16.03.04**

If the appropriate discipline is greater than a letter of reprimand, the Chief of Police shall notify the affected employee of the extent for the intended discipline, and shall advise the employee of the date of an informal hearing before the Chief of Police for the purpose of providing additional information or explanation of the actions that resulted in the intended discipline. The affected employee has the right to review information in the report of the investigation upon which discipline is based. The affected employee has the right to waive the informal hearing if he/she so chooses.

### **16.03.05**

Immediately upon the conclusion of the informal hearing, the Chief of Police will make a final determination and notify the employee in writing. If the employee waives the informal hearing, the Chief of Police shall make a final determination and notify the employee in writing.

### **16.03.06**

The notice of intended disciplinary action must be sent within time limits prescribed in the appropriate current bargaining agreement.

### **16.03.07**

The affected employee will be treated consistent with current Civil Service Rules, City Personnel Rules, and the current bargaining unit agreement with regard to issues such

as administrative leave, etc.

#### **16.03.08**

The Chief of Police may delegate any portion of the procedure of notification.

#### **16.03.09**

The Marysville Police Department will follow current statutes, case law, procedural safeguards, and employment rights in applying discipline.

### **16.04 SUPERVISORY AND COMMAND STAFF**

#### **16.04.01**

Any supervisor may counsel an employee under his/her command and issue a verbal reprimand. This in no way diminishes the authority of a supervisor to relieve or suspend an employee for just cause.

#### **16.04.02**

The sergeant, commander, and Chief of Police may issue Letters of Reprimand to any employee under their supervision. Any disciplinary action in excess of a disciplinary letter of reprimand will be the responsibility of the Chief of Police or his/her designee.

#### **16.04.03**

The Chief Administrative Officer has the responsibility of terminating full-time employees when necessary. The Chief of Police has the responsibility of terminating part-time and volunteer members.

### **16.05 DISMISSALS**

#### **16.05.01**

Upon the dismissal of any employee, the Department will provide the employee with a statement that cites the reasons for dismissal; the effective date of the action; and any rights the employee may have for appeals and/or hearings. This will be along with any exit interview, or documentation provided by the City's designated personnel officer.

#### **16.05.02**

In the case of discharges of probationers or other employees not covered by union agreement or Civil Service, a pre-termination meeting with the departmental hiring authority is required to explain the reason for discharge and to allow the employee an opportunity to respond. It is the policy of this department to ensure that employees who are discharged for poor performance are advised of their deficiencies through the Performance Evaluation system before discharge whenever practical to do so.

## **16.06 MAINTENANCE OF RECORDS**

### **16.06.01**

City of Marysville Personnel Rules govern the maintenance of records relating to disciplinary actions.

### **16.06.02**

The records of formal actions are maintained in a locked cabinet in the Business Office Supervisors Office.

## **16.07 APPEAL PROCEDURES**

### **16.07.01**

The City of Marysville Personnel Rules, Civil Service Rules, and the current bargaining agreements govern disciplinary appeal procedures.

---

**Patrol is the primary, and most visible, part of law enforcement. It includes the majority of functions in police operations. Our guidelines for patrol are referenced in Chapter 21, which outlines and describes how our police officers will operate on a day-to-day basis. This chapter is very lengthy so for that reason we have included in this document only those sections that relate to the topics at hand; use of force and treatment of people.**

## **21.19 ARREST, BOOKING, CITATIONS**

### **21.19.01**

When a crime is committed, officers are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and arrest the violator. In carrying out these responsibilities, officers will not infringe upon the constitutional rights of any person.

## **21.20 TREATMENT OF PERSONS UNDER ARREST**

### **21.20.01**

In making an arrest, officers shall treat an individual with the respect due any citizen. Officers will not physically mistreat or verbally harass any individual that they take into custody. Medical treatment will be provided when necessary when the person taken into custody is ill or injured.

## **21.21 USE OF FORCE MAKING AN ARREST**

### **21.21.01**

Officers will not use more force than is necessary to make an arrest or to take any person into custody including involuntary medical or psychiatric treatment.

---

**Chapter 23 outlines how the department will respond to situations involving juveniles, including when an officer is required to respond to resistant or aggressive juveniles.**

## **23.02 USE OF FORCE-JUVENILES**

### **23.02.01**

The policy regarding the use of force used in dealing with juvenile offenders will be the same as that used in dealing with adults.

---

**Washington State has enacted statutes (Revised Code of Washington (RCW)) that provide the foundation for which Marysville Police Department use of force policy is based on. We have included, for reference, those statutes which are applicable to this topic.**

### **RCW 9A.16.010**

Definitions.

In this chapter, unless a different meaning is plainly required:

(1) "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

(2) "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

**[ 1986 c 209 § 1; 1975 1st ex.s. c 260 § 9A.16.010.]**

### **RCW 9A.16.020**

Use of force—When lawful.

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;

(4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

(5) Whenever used by a carrier of passengers or the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to the offender's personal safety;

(6) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to any person, or in enforcing necessary restraint for the protection or restoration to health of the person, during such period only as is necessary to obtain legal authority for the restraint or custody of the person.

**[ 1986 c 149 § 2; 1979 ex.s. c 244 § 7; 1977 ex.s. c 80 § 13; 1975 1st ex.s. c 260 § 9A.16.020.]**

## **RCW 9A.16.040**

Justifiable homicide or use of deadly force by public officer, peace officer, person aiding—  
Good faith standard.

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer applies deadly force in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or

(c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility;

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(5) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW **9A.16.020** or **9A.16.050**; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

[ **2019 c 4 § 3**. Prior: 2019 c 1 § 7 (Initiative Measure No. 940); (2018 c 11 § 7 (Initiative Measure No. 940) repealed by 2019 c 4 § 8); (2018 c 10 § 3 repealed by 2019 c 4 § 8); **1986 c 209 § 2**; **1975 1st ex.s. c 260 § 9A.16.040**.]

---

Training is an integral component to effective police operations. The Marysville Police Department provides necessary training to all commissioned staff that meet, or exceed

Washington State requirements as mandated by Washington Administrative Code (WAC) 139-05-300 (Requirement for In-Service Training) and RCW 43.101.427 (The Doug Ostling Act).

The Doug Ostling Act, enacted in 2015, requires all Washington peace officers to receive eight hours of *Crisis Intervention Training* (CIT) by mid-year, 2021. In addition, officers must complete 2-hours of refresher and updated CIT training annually.

CIT is designed to equip officers to effectively engage with persons in crisis, including those who may be experiencing mental health issues or are in crisis due to other circumstances. CIT emphasizes techniques of de-escalation.

Our department will continue to meet the annual requirements of The Doug Ostling Act.

Our training cadre administers Essential Skills Training (EST) to all commissioned police officers annually. At minimum, 20-hours of training covers a variety of topics, including First-aid/CPR, TASER, LVNR, Defensive Tactics, less-lethal, legal updates, pursuit and evasive driving, PIT and a full day of patrol tactics critical incident simulation exercises.